



General Assembly

January Session, 2009

**Committee Bill No. 127**

LCO No. 4077

\*04077SB00127JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING THE COLLECTION OF CHILD ACTIVITY FEES  
PURSUANT TO A SUPPORT ORDER.**

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Subsections (a) and (b) of section 52-362 of the general  
2 statutes are repealed and the following is substituted in lieu thereof  
3 (*Effective July 1, 2009*):

4 (a) For purposes of this section:

5 (1) "Dependent" means a spouse, former spouse or child entitled to  
6 payments under a support order, provided Support Enforcement  
7 Services of the Superior Court or the state acting under an assignment  
8 of a dependent's support rights or under an application for child  
9 support enforcement services shall, through an officer of Support  
10 Enforcement Services or the Bureau of Child Support Enforcement  
11 within the Department of Social Services or an investigator of the  
12 Department of Administrative Services or the Attorney General, take  
13 any action which the dependent could take to enforce a support order;

14 (2) "Disposable earnings" means that part of the earnings of an

15 individual remaining after deduction from those earnings of amounts  
16 required to be withheld for the payment of federal, state and local  
17 income taxes, employment taxes, normal retirement contributions,  
18 union dues and initiation fees, and group life and health insurance  
19 premiums;

20 (3) "Earnings" means any debt accruing to an obligor by reason of  
21 such obligor's personal services, including any compensation payable  
22 by an employer to an employee for such personal services whether  
23 denominated as wages, salary, commission, bonus or otherwise,  
24 including unemployment compensation if a purchase of service  
25 agreement between the Commissioner of Social Services and the Labor  
26 Commissioner is in effect pursuant to subsection (e) of section 17b-179;

27 (4) "Employer" means any person, including the Labor  
28 Commissioner, who owes earnings to an obligor;

29 (5) "Income" means any periodic form of payment due to an  
30 individual, regardless of source, including, but not limited to,  
31 disposable earnings, workers' compensation and disability benefits,  
32 payments pursuant to a pension or retirement program and interest;

33 (6) "Obligor" means a person required to make payments under a  
34 support order;

35 (7) "Support order" means a court order, or order of a family  
36 support magistrate including an agreement approved by a court or a  
37 family support magistrate, that requires the payment to a dependent of  
38 current support, cash medical support, child athletic, extracurricular or  
39 other activity fees, a specific dollar amount of child care costs or  
40 arrearage payments;

41 (8) "Unemployment compensation" means any compensation  
42 payable under chapter 567, including amounts payable by the  
43 administrator of the unemployment compensation law pursuant to an  
44 agreement under any federal law providing for compensation,

45 assistance or allowances with respect to unemployment.

46 (b) The Superior Court and any family support magistrate shall  
47 issue an order for withholding pursuant to this section against the  
48 income of an obligor to enforce a support order when the support  
49 order is entered or modified or when the obligor is before the court in  
50 an enforcement proceeding. The court shall order the withholding to  
51 be effective immediately or may, for cause or pursuant to an  
52 agreement by the parties, order a contingent withholding to be  
53 effective only on accrual of a delinquency in an amount greater than or  
54 equal to thirty days' obligation. Any finding by a court or family  
55 support magistrate that there is cause not to order withholding to be  
56 effective immediately shall be based on at least (1) a written  
57 determination that, and explanation by the court or family support  
58 magistrate of why, implementing immediate income withholding  
59 would not be in the best interests of the child, and (2) proof of timely  
60 payment of previously ordered support in cases involving the  
61 modification of such support. Before the court or family support  
62 magistrate issues an order for withholding which is effective  
63 immediately against an obligor who is before the court or a family  
64 support magistrate, it shall inform the obligor of the minimum amount  
65 of income which is exempt from withholding under state and federal  
66 law, of such obligor's right to claim any applicable state or federal  
67 exemptions with respect thereto and of such obligor's right to offer any  
68 evidence as to why a withholding order effective immediately should  
69 not issue. If the court or family support magistrate issues an order for  
70 withholding to be effective immediately against a nonappearing  
71 obligor, notice shall be served subsequently upon the obligor in  
72 accordance with section 52-57 or sent by certified mail, return receipt  
73 requested, to the obligor's last known address, informing such obligor:  
74 (A) That a support order has been issued to be enforced by an income  
75 withholding order, (B) that an income withholding order has been  
76 issued effective immediately as part of the support order, (C) of the  
77 minimum amount of income exempt from withholding under state

78 and federal law and of such obligor's right at the hearing on the  
 79 support order to claim any other applicable state or federal exemptions  
 80 with respect thereto, (D) of such obligor's right to a hearing, upon  
 81 motion to the court, to offer any evidence as to why the withholding  
 82 order effective immediately should not continue in effect, (E) of the  
 83 amount of income received by such obligor which formed the basis for  
 84 the support order against such obligor, and (F) of such obligor's right  
 85 to move to modify the support order if such obligor's income has  
 86 changed substantially or if the support order substantially deviates  
 87 from the child support guidelines established pursuant to section  
 88 46b-215a.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	July 1, 2009	52-362(a) and (b)
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**Statement of Purpose:**

To provide that child support enforcement services be available to enforce child support orders related to child activity fees.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: SEN. PRAGUE, 19th Dist.

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